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FM AMEMBASSY THE HAGUE
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5739
INFO RUEHZG/NATO EU COLLECTIVE PRIORITY
RUEHKB/AMEMBASSY BAKU PRIORITY 0086
RUEHSW/AMEMBASSY BERN PRIORITY 4016
RUEHDL/AMEMBASSY DUBLIN PRIORITY 0211
RUEHHE/AMEMBASSY HELSINKI PRIORITY 1842
RUEHBUL/AMEMBASSY KABUL PRIORITY 0159
RUEHSQ/AMEMBASSY SKOPJE PRIORITY 0436
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 4641
RUEHTI/AMEMBASSY TIRANA PRIORITY 0491
RUEHVI/AMEMBASSY VIENNA PRIORITY 0654
RUEHVB/AMEMBASSY ZAGREB PRIORITY 1853
RUCNDT/USMISSION USUN NEW YORK PRIORITY 4098
RUEKJCS/CJCS WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
RHMFIIT/HQ EUCOM VAIHINGEN GE PRIORITY
RHMFISS/USNMR SHAPE BE PRIORITY

C O N F I D E N T I A L THE HAGUE 001123

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TAGS: [NATO](#) [MARR](#) [PREL](#) [AF](#) [NL](#)

SUBJECT: NETHERLANDS/ISAF: DUTCH REVISING CAVEATS

REF: STATE 74035

Classified By: Political Counselor Andrew Schofer, reasons 1.4 (b,d)

¶1. (C) Summary: The GONL will soon submit through its delegation at NATO revised caveats to the new ISAF rules of engagement. These caveats will be less restrictive than current caveats and are intended to protect Dutch interests with regard to detainee issues and deconfliction between OEF and ISAF operations. DATT and Polmiloff discussed reftel with MFA Senior Advisor Devi van der Weerde, MOD Legal Advisor Maartin Zwangenburg, and MOD Senior Advisor for General Policy Affairs David van Weel on May 18. End summary.

¶2. (C) In response to reftel points, Zwangenburg and van Weel noted that the current Dutch caveats do not impose geographic restrictions on Dutch operations, nor will they require referral to parliament. They agreed that every effort should be taken to ensure that ISAF operations are efficient and effective as possible. Zwangenburg said the GONL had reviewed its current caveats with efficiency/effectiveness in mind and had nearly finished revising them to reflect the new ISAF rules of engagement (ROEs). He anticipated that the GONL would brief specific changes directly to NATO in the near future.

¶3. (C) DATT and polmiloff pressed for details of the revisions. Zwangenburg said that the revised caveats would be less restrictive than current ones. For example, he expected the Dutch caveat pertaining to riot agents (ROE 321 in the old ISAF ROEs) to be eliminated. However, he explained that other caveats pertaining to detainee issues will remain intact, albeit with more flexibility. Van der Weerde added that the GONL has a bilateral MOU with the Afghan government regarding detainees, which the Dutch would honor regardless of separate NATO arrangements.

¶4. (C) On the Dutch caveat pertaining to F-16 support to CFC-A, Zwangenburg said that the Dutch do not view this "technically" as a caveat. He noted that the Dutch

parliament wants to ensure a "firewall" between OEF and ISAF operations. The Dutch provision as written allows Dutch F-16s to provide support to CFC-A "in extremis." However, any pre-planned support for CFC-A would constitute premeditated participation in OEF operations by Dutch forces -- the Dutch parliament would not allow this, he said. "In extremis" support, on the other hand, does not require parliamentary approval and would be provided as needed based on determinations made in the field.

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